

BILL NO. 90-75

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 90-75

Introduced by Council President Wilson

Legislative Day No. 90-27 Date September 4, 1990

AN ACT to require the Department of Planning and Zoning to submit to the County Council a proposal and a schedule for implementing a transferable development rights program; to require the Department to submit a progress report on its development of the program; to require the Department of Public Works to adopt alternative road construction standards designed to complement the program; to make certain legislative findings with respect to land use reforms necessary to establish the program; to impose certain deadlines with regard to this Act; to allow extension of the deadlines under certain conditions; and generally relating to a program of transferable development rights.

By the Council, September 4, 1990

Introduced, read first time, ordered posted and public hearing scheduled
on: October 2, 1990
at: 6:45 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on October 2, 1990, and concluded on, October 2, 1990

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

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1 AN ACT OF LAND USE REFORM

2 THROUGH TRANSFERABLE DEVELOPMENT RIGHTS

3 **WHEREAS,** The county Master Plan calls for two-thirds of the
4 county to remain predominantly agricultural and rural; and

5 **WHEREAS,** Agriculture has been a way of life in Harford County
6 for more than two centuries; and

7 **WHEREAS,** In that time it has played an essential part in the
8 county's economy and culture; and

9 **WHEREAS,** The homebuilding industry plays an equally important
10 role in the county, providing shelter, contributing to the local
11 economy and creating jobs for a large number of county residents;
12 and

13 **WHEREAS,** The County Council desires to focus the scope of
14 development in the county in such a way that the need for new homes
15 is accommodated and the agricultural and rural character of the
16 county is preserved; and

17 **WHEREAS,** Through participation in the state purchase of
18 development rights (PDR) program and through legislation providing
19 tax credits and supplemental payments to landowners who participate
20 in the state PDR program, the county has taken significant steps
21 to preserve agricultural land and the way of life it represents in
22 Harford county; and

23 **WHEREAS,** Preserving agricultural land and the way of life it
24 represents will enhance property values in the long term, thus
25 ensuring the continued viability of the homebuilding industry and
26 other, related industries; and

27 **WHEREAS,** Preserving agricultural land will also help ensure

1 that an adequate food supply is available for generations to come
2 and that fresh, high quality produce remain available to today's
3 county residents; and

4 **WHEREAS,** The Council believes that a transferable development
5 rights (TDR) program would constitute an important and effective
6 tool in the county's continuing effort to preserve agriculture, in
7 its effort to ensure that the homebuilding industry continues to
8 be a dynamic part of the county economy, in its effort to protect
9 the environment, and in its effort to provide public services and
10 facilities most effectively; and

11 **WHEREAS,** The Council, affirming the Master Plan, wishes to
12 maintain rural character in all areas outside of the Development
13 Envelope; and

14 **WHEREAS,** The Council affirms the current development right of
15 1 lot per 10 acres zoning density as well as the family conveyance
16 rights established under §267-34 of the County Code for
17 agriculturally zoned land, and expressly states that it will not
18 consider any change in those rights in connection with the TDR
19 program; and

20 **WHEREAS,** On March 13, 1990, the County Council adopted a
21 legislative plan of action that included a decision to study, with
22 a view toward adopting, a TDR program;

23 **NOW, THEREFORE,**

24 Section 1. Be It Enacted By the County Council of Harford
25 County, Maryland That:

26 A. The Council finds that the following legislative

1 actions are necessary to establish an effective and equitable
2 transferable development rights (TDR) program:

3 (1) amendment of the county's zoning laws to
4 establish a simple and legally valid mechanism for the transfer,
5 tracking, and recordation in the county land records of development
6 rights, including an easement on property from which rights are
7 transferred;

8 (2) designation in the county Master Plan of TDR
9 sending and receiving areas that are consistent with the Plan's
10 general objectives and that do not conflict with the Development
11 Envelope concept;

12 (3) amendment of the county's zoning laws to
13 establish appropriate development standards in the TDR receiving
14 areas, including:

15 (a) provisions for community facilities,
16 community services, and open space;

17 (b) restrictions on lot size, setbacks,
18 height, density, and uses;

19 (4) amendment of the county Water and Sewerage Plan
20 to establish a category in the Plan for those TDR receiving areas
21 to which the county may consider extending or in which it may
22 consider establishing water and sewerage services within the Plan's
23 10-year time frame;

24 (5) enactment of a special set of health
25 regulations relating to private sewerage disposal reserve areas for
26 sites within the designated TDR receiving areas that are not in

1 areas currently planned for water and sewerage services, including
2 guidelines for a graduated scale of required septic reserve area
3 sizes that are based on soil conditions and are consistent with
4 state regulations.

5 B. The Council further finds that before considering
6 these legislative actions it is vital that it have the expert
7 advice of the Department of Health, the Department of Planning and
8 Zoning, the Department of Public Works, and the corresponding
9 departments in Aberdeen, Bel Air, and Havre de Grace in order to
10 put in place a comprehensive, well-reasoned TDR program
11 encompassing all of these legislative actions.

12 C. Therefore, the Department of Planning and Zoning,
13 with the advice of the Department of Public Works, the Department
14 of Health, and appropriate representatives of Aberdeen, Bel Air,
15 and Havre de Grace, shall submit to the County Council, on or
16 before February 1, 1992:

- 17 (1) a detailed proposal for a TDR program; and
18 (2) a proposed schedule for establishing the TDR
19 program.

20 D. On or before September 1, 1991, the Department of
21 Planning and Zoning shall submit to the County Council a report on
22 its progress in developing the proposal and schedule for the TDR
23 program.

24 E. The Department of Public Works shall develop and
25 adopt alternative road construction standards to be used under
26 appropriate circumstances in conjunction with the TDR program

1 developed by the Department of Planning and Zoning. The standards
2 shall be:

- 3 (1) designed to complement the TDR program; and
4 (2) adopted as part of the Road Construction Code
5 on or before September 1, 1992.

6 F. The County Council may by resolution extend any
7 deadline imposed by this Act if the County Executive, at least 60
8 calendar days before the deadline, requests an extension.

9 Section 2. And Be It Further Enacted, That this Act shall take
10 effect 60 calendar days from the date it becomes law.

11 EFFECTIVE: December 10, 1990

12 The Secretary of the Council does hereby
13 certify that fifteen (15) copies of this Bill
14 are immediately available for distribution to
15 the public and the press.

16 Louis Poulsen, Secretary
17 *by*
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90-75

BY THE COUNCIL

BILL NO. 90-75

Read the third time.

Passed: LSD 90-29 (October 2, 1990)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive for his approval this 3rd day of October, 1990 at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

COUNTY EXECUTIVE

Date 10-10-90

APPROVED:

BY THE COUNCIL

This Bill, (No. 90-75), having been approved by the Executive and returned to the Council, becomes law on October 10, 1990.

Doris Poulsen, Secretary

EFFECTIVE DATE: December 10, 1990

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